

PUBLIC NOTICE IS HEREBY GIVEN THAT THE  
**BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH**  
PUBLIC MEETING FOR THE  
APPEAL OF A GRAMA REQUEST DENIAL  
IN THE COUNTY COMMISSION CHAMBERS - ROOM 1400  
OF THE UTAH COUNTY ADMINISTRATION BUILDING  
100 East Center Street, Provo, Utah  
April 19, 2016 - 8:30 AM

Commissioner Ellertson called the meeting to order at 8:35 AM. He noted this the Board of Commissioners, but they are here to hear a appeal of a Grama Request Denial.

PRESENT: Larry A. Ellertson  
William E. Lee  
Greg Graves

ALSO PRESENT:

Lisa K. Nielson, Commission  
Paul Jones, Attorney  
Michelle Araujo, Commission

Peggy Burdett, Grama Request  
Terri Eisel, Attorney  
Ralph Clegg, Health Department Exec. Dir.

**AGENDA**

1. HEAR THE APPEAL OF PEGGY BURDETT REGARDING DENIAL OF GOVERNMENTAL RECORDS ACCESS MANAGEMENT ACT ("GRAMA") REQUEST

Paul Jones gave a brief history of where we are at. Ms. Burdett made a Grama Request, but he didn't really know what records to provide because he felt the request was not very specific. She asked for all claims against Utah County; against it's employees and elected officials, including financial records associated with that claim. Mr. Jones said he did reach out to Ms. Burdett and let her know he wasn't exactly sure what to provide her. He continued, stating, "I provided her with a record which is a log of all of these officially served documents which have been served in the county through the Clerk/Auditor's Office. According to the Rules of Civil Procedure, all legal claims are supposed to be served on the Clerk/Auditor and they keep a log of papers served. Mr. Jones indicated he sent this to Peggy and told her he didn't really know what to provide to her, but said he could give her this record and could go from there. Mrs. Burdett appealed that. Mr. Jones said he did realize they haven't been completely responsive, and he doesn't think he's given her all records against the county, so he admits that, but he felt he and Mrs. Burdett should work together a little bit longer and try to identify the records she is interested in. In her request, she also didn't give a date range, no topic, etc. In addition she limited her fees to \$100. One thing he doesn't want to do is provide \$100 worth of records that she didn't want. He reiterated he would like to be able to work

UTAH COUNTY BOARD OF COMMISSIONERS  
GRAMA APPEAL BY PEGGY BURDETT

April 19, 2016

Page 2

with her a little longer. He suggested they continue this a little longer, perhaps like three weeks to give them some time to try to work this request out. Then if she's still dissatisfied, she can renew her appeal.

Peggy Burdett thanked everyone for their time. She would like to point out, before she starts, that she made this request on the 27<sup>th</sup> of January, so they are going on 90 days since her initial request. She said she guessed three more weeks was okay. She said she isn't an attorney and she thought that she had met the requirements. She then read what she had asked for:

All records relating to claims made against Utah County, its elected officials, officers, and employees. Please include all records of claim requests, communications with all parties, internal Utah County communications and settlements. Please include all related financial records.

Mrs. Burdett said she simply wanted to know what claims had been made against her county government; what kinds of claims are made; who makes them; and how the county resolves them. As a resident and taxpayer of this county, she would like to know how the government resources are used. This should be public information and all of them have campaigned on "open transparency" in the government.

She said the response she received from the Utah County Attorney's Office was over a month late, and now we're three months late; and was limited to records which contains a list of all documents officially served on the Utah County Clerk/Auditor. On April 14<sup>th</sup>, she sent a letter to Paul Jones as follows:

"Mr. Jones, my January 27, 2016 Grama Request is neither insufficient nor lacking in reasonable specificity. I requested records relating to claims made against the Utah County and you provided me with a process server log. Those things are not the same. I don't know how to be more clear; I did not want a process server log. Examples from the log included notices for writ for continuing garnishment; subpoena duces tecum, subpoena for the County Clerk to appear; notices of garnishment, subpoena for the taking of disposition, and notice of trial subpoena to custodian records for Utah County. These types of items are not claims for damages and are not relevant to my request. I was not provided any financial records related to any claims that were settled by Utah County. My request for claims made against Utah County satisfies the requirement for reasonable specificity. In a good faith effort to provide additional detail, I'm interest in claims, including, but not limited to, wrongful acts, breach of duties, and misconduct for damages, including, but not limited to reparation, restitution, and re-dress made against Utah County, its elected officials, officers and employees. Please be sure to include all notices of claims of claims filed under the Governmental Immunity Act of Utah. Please exclude a "dog-bite" type claim, a "fender-bender" with a public vehicle, or a request for Utah County to comply with subpoena or even a breach of contract. I am making a pretty simple request, and ask for the county's cooperation in providing this information promptly.

UTAH COUNTY BOARD OF COMMISSIONERS

GRAMA APPEAL BY PEGGY BURDETT

April 19, 2016

Page 3

Commissioner Lee said as he's talked with Paul, and tried to digest what this is all about, it seems like the request is bigger than the financial \$100 limit. He wondered if there's a limit on that does she perceive that she is going to get all the information she wants, or does she perceive that she's not going to get all the information she wants. Ms. Burdett asked if there was any way she could inspect the files herself. Commissioner Ellertson said that is what Mr. Jones is suggesting; that he and Ms. Burdett work together to figure out for sure what she wants and to make sure she gets what she's asking for. Commissioner Lee agreed that they want to give her what she's asking for, but there's a dilemma on the \$100 limit. Ms. Burdett said if she could be provided with the files, she could find what she's looking for. Ms. Burdette said she didn't understand the confusion, maybe she needs to get an attorney to better say this. Commissioner Lee said this is very broad and there's a lot of stuff that comes in. Commissioner Graves asked if there was time limit as to far Ms. Burdett wants to go back for these records. Ms. Burdett said about the last five years. Commissioner Ellertson said that is what Mr. Jones was wondering. Commissioner Graves said they're not at the \$100 threshold after going back five years, could they definitely work with Ms. Burdett until they reach that threshold if she wants. Commissioner Ellertson said the County is clear on what claims Ms Burdett is looking for. Commissioner Lee said they want her to get what she is looking for. Mr. Jones said the log provided did include documents like subpoenas, etc., that maybe aren't claims, but the log should also include every official notice of claim served on the County since 2010. He would like Ms. Burdett to look at the records and indicate what she wants. Mr. Jones said he would work with Ms. Burdette. Commissioner Graves said they want to move as quickly as fast as possible, but there are certain dates with the Grama Law. If this is continued, what does it do to her appeal. Mr. Jones said his recommendation is to consider this as an exordinary circumstance time frame when the day the response is due would trigger her appeal right. So, she wouldn't lose any of those rights. Commissioner Graves said "so how come three weeks, and not two". Ms. Burdett said three weeks is alright. Commissioner Ellertson asked why the Board couldn't grant her appeal for the information with a statement to work out the details. Mr. Jones expressed the opinion that continuance is the best option. Ms. Burdett said she was okay with this.

Commissioner Graves made the motion to continue the appeal of Peggy Burdett regarding the denial of Governmental Records Access management Act (Grama) Request for three weeks, with the stipulation that Paul Jones is going to provide the records.

Mr. Jones said hopefully Ms. Burdett will want to withdraw her appeal after she gets the requested records. Ms. Burdett asked if she needed to withdraw her appeal after she gets what she wants and the Board agreed.

The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson

William E. Lee

Greg Graves

NAY: None

There being no further business nor public comment, the meeting adjourned at 8:45 AM.

UTAH COUNTY BOARD OF COMMISSIONERS  
GRAMA APPEAL BY PEGGY BURDETT  
April 19, 2016  
Page 4

ATTEST:

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LARRY A. ELLERTSON, COMMISSION CHAIR

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BRYAN E. THOMPSON  
Utah County Clerk/Auditor

Copies available on the County Website at [www.utahcount.gov](http://www.utahcount.gov)  
Recorded by Linda Strickland, Deputy Clerk/Auditor